

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

Gail M. Trender,

Plaintiff,

-vs-

Michael J. Astrue, Social Security
Administration Commissioner,

Defendant.

)
)
)
)
)
)
)
)
)
)
)

Case No. 3:08-cv-92

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Plaintiff sought judicial review of the final decision of the Commissioner of Social Security denying her application for disability insurance benefits. The Court has received a Report and Recommendation from the Honorable Karen K. Klein, United States Magistrate Judge, pursuant to 28 U.S.C. § 636, recommending the decision of the Commissioner be reversed and this action be remanded to the Commissioner with directions to award Plaintiff disability benefits for the claimed closed period (Doc. #20). The Commissioner objects to the Report and Recommendation, arguing the ALJ's finding of non-disability should be affirmed or, alternatively, that remand for further proceedings rather than reversal for payments is the appropriate course of action (Doc. #21). Plaintiff filed a brief in opposition to the objections (Doc. #22).

The Court has conducted a *de novo* review of those portions to which the Commissioner has objected and examined the evidence. After carefully reviewing the Report and Recommendation, the Commissioner's objections, along with the entire file, the Court agrees with the Magistrate Judge's analysis. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Plaintiff's motion for

summary judgment (Doc. #10) is hereby **GRANTED**; the Commissioner's motion for summary judgment (Doc. #15) is hereby **DENIED**; and the Commissioner's decision is **REVERSED** and **REMANDED WITH DIRECTIONS** to award Plaintiff disability benefits for the claimed closed period.

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 21st day of September, 2009.

/s/ Ralph R. Erickson
Ralph R. Erickson, District Judge
United States District Court